

note



**State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY
WET 2001-29**

July 31, 2001

Robert Maher
P.O. Box 519
Moultonborough, NH 03254

RE: DES Wetlands file #2000-01202 Route 25, Moultonborough

Dear Mr. Maher

On July 12, 2001, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Moultonborough Tax Map 40 as Lot 55 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-700.

During the inspection the following was documented

Fill measuring approximately 20' x 15' has been placed in a wetland which crosses the logging road near the entrance to Rte.25.

In response, you are requested to take the following actions

1. Remove the fill from the wetland down to the original hydric soils. Seed the area with a wetlands seed mix and mulch the crossing area lightly with straw to allow wetland vegetation to return.
2. Provide documentation (photographs) to the Bureau of the restored wetland area by August 30, 2001.

DES received a wetlands application on June 6, 2000. The Bureau requested more information on July 6, 2000, but received no response. The file was therefore closed on March 2, 2001 and no permit was issued. Any future wetlands impacts will require filing a new application.

DES believes that the deficiencies can be corrected within 30 calendar days. Assistance with the requested actions is available from DES staff or the local Conservation Commission.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.


Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Richard W. Head, Compliance Supervisor
Wetlands Bureau
Department of Environmental Services
6 Hazen Drive, PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Richard Head at (603) 271-4062.

Sincerely,


COPY
Mary Ann Tilton
Senior Enforcement Officer
Wetlands Bureau

CERTIFIED MAIL 70000600002212486200

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen Rule, DES Enforcement Coordinator
Moultonborough Conservation Commission
Moultonborough Board of Selectmen
Mark Mirabella, USACOE
Richard W. Head, DES